REMARKS

Claim 1 has been amended to further clarify the claim language. Claims 1-6, 8 and 10-12 remain pending in the application.

Claims 1-2, 4-5 and 12 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Simpson ("A recurrent neural network classifier for improved retrievals of areal extent of snow cover" –IEEE- vol. 39, Oct. 2001, pages 2135-2147) in view of Loui ("Automatic image event segmentation and quality screening for Albuming Applications" – IEEE – July 2000, cited by the Applicant in the Information Disclosure Sheet IDS filed on 11/13/2003). Applicants respectfully traverse the rejection.

As previously noted by Applicants, Simpson fails to disclose the use of two sequential classification processes as claimed, wherein each of the images in a sequence of images is individually classified based on information contained in the individual image to generate an initial content-based image classification, and then a final image classification is generated based on the initial content-based image classification and a pre-determined temporal context model that considers the temporal succession of the sequence of images. Instead, Simpson is understood to disclose two classification processes, FFNN and RNNCSS, that are separate and distinct from each other and used on different types of image data. The Examiner equates the FFNN process of Simpson, which is specifically taught as being utilized on still images, to the claimed content-based image classification, and equates the RNNCCS process of Simpson, which is specifically taught as being utilized on a series of images, to the claimed classification based on a pre-determined temporal context model. The Examiner admits that Simpson fails to disclose using the RNNCCS process to further classify an image already classified by the FFNN process, but submits it would be obvious to perform both processes in the order specified based on the disclosure of Loui. Applicants submit that the Examiner has failed to provide a sufficient rationale for modifying Simpson as proposed by the Examiner.

Applicants previously discussed Loui in the Background of the Invention section of the instant application. Loui is directed to providing a segmentation algorithm that performs 2-means clustering on a time-different histogram. There is nothing in Loui that would suggest to one of ordinary skill in the art that the two separate and distinct processes of Simpson should be

sequentially combined as proposed by the Examiner. The Examiner claims that Loui discloses utilizing both content-based classification followed by temporal based classification to generate a revised classification (see Official Action, page 7, last seven lines). If this were actually the case, it would seem the Examiner could utilize Loui alone to reject the claims based on anticipation, but instead, the Examiner is attempting to redefine the specific teachings of Simpson based on Loui.

Applicants submit that the Examiner is relying on hindsight knowledge of Applicants' own disclosure in an attempt to recreated the claimed invention from the prior art, when there is nothing in the references themselves to suggest the claimed combination. The Examiner is respectfully reminded that the Examiner had the burden of establishing a prima facie case of obviousness under 35 U.S.C. 103(a). In so doing, the Examiner must lay out a sufficient rationale to support his/her finding of obviousness. In the present case, Applicants respectfully submit that the Examiner has failed to establish an appropriate rationale as to why one skilled in the art would look to Loui in order to modify Simpson as proposed by the Examiner, when Simpson specifically teaches two separate and distinct processes to be used on two separate and distinct types of image data. The rejection is therefore respectfully submitted to be improper and should be withdrawn.
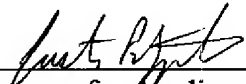
Claim 3 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson in view of Loui and Tretter et al. Claims 6, 8, 10 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson in view of Loui and Huang. Applicants submit that neither Tretter et al. nor Huang overcomes the basic deficiency of Simpson and Loui discussed above. Accordingly, these claims are believed to be allowable for the same reasons set forth above with respect to claims 1, 2, 4, 5 and 12.

Applicants note that the Examiner does not have signatory authority. It is therefore respectfully requested that, should the Examiner consider maintaining the present rejection, an interview be conducted in the presence of the Supervisory Patent Examiner (SPE) prior to the issuance of a further action, so that the differences between the claimed invention and the cited references can be discussed with the SPE. It is requested that the Examiner contact Applicants' local representative, Marc A. Rossi (Reg. No. 31,923) at 703-726-6020, to

arrange a personal interview with the SPE. Mr. Rossi is hereby authorized by the undersigned attorney of record to conduct a personal interview with the Examiner and the SPE.

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration and the allowance of the present application.

Respectfully submitted,

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.